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VOLCANIC ASH

What reform? It's all shibai

Legislators enact bills but delay their implementation. There's no real change.

By David Shapiro



With great fanfare, the 2002 Legislature voted to make Hawai'i the only state in the nation to impose price caps on gasoline.

Senators and representatives ballyhooed the new law in that year's election, congratulating themselves for bold action to reduce the crushing burden of high fuel prices on Hawai'i's consumers.

The problem was that the law was an illusion, a political sleight-of-hand that did absolutely nothing to regulate gasoline prices — not in 2002 or 2003 or now, it seems, even 2004.

That's because the Legislature, while saying consumers needed relief "now," delayed implementation of the caps for two years to study how to enforce lower prices.

Key agencies couldn't make the deadline, partly because the Legislature's misguided capping formula could have increased local gasoline prices by 10 cents a gallon.

So the Legislature is now delaying implementation again, from July 2004 to September 2005. The 2005 Legislature will have yet another chance to tinker or delay before the law takes effect.

Sen. Ron Menor, D-17th (Mililani, Waipi'o), the bill's chief sponsor, promised consumers "immediate or near-term relief from high gasoline prices."

But the only thing that will happen "immediately" or "near-term" is that legislators will be back on the campaign trail this year shamelessly claiming credit for action to reduce fuel prices when, in reality, they've never put any caps into effect.

This is another spin on the old faint-hearted political dodge of ducking thorny issues by ordering studies instead of taking action.

Now they pass laws that promise action, but stall implementation until studies take place — after the next election.

It has the same practical effect as opting for studies instead of action in the first place, except legislators can claim credit in their re-election campaigns for laws that later vaporize like gasoline fumes.

It's lawmaking on layaway — buying votes with post-dated checks.

The ploy is evident again this year in the Legislature's omnibus school reform bill, the "Reinventing Education Act of 2004," which should more aptly be named the "Status Quo Re-Empowerment Act of 2006."

That's because major provisions of the bill won't be implemented for two years, if ever, giving those who have driven our schools into obsolescence — Department of Education bureaucrats, school employees and their unions — plenty of time to sidetrack "reforms" they don't like.

The bill's three major provisions would weigh school funding toward students with the most need, give principals direct control of up to 70 percent of school spending and create community councils to oversee each school.

Even if Gov. Linda Lingle succeeds in pressuring legislators to step up the timetable, there would be no comprehensive reform of our struggling schools, only pilot projects, until the 2005 and 2006 school years at the earliest.

Lawmakers also delayed for at least a year putting principals on performance contracts to assure they're accountable for improving student achievement with all that money they'll control.

And by refusing to let voters decide once and for all the divisive issue of local school boards vs. the statewide Board of Education, legislators have guaranteed that conflict will still be around next year, too.

For all practical purposes, nothing regarding school reform has been settled this year. It's all up for revision and renegotiation in the 2005 Legislature, which may well have a different face after the fall election.

When self-righteous lawmakers preach that changes are needed now, is it too much to ask that they prove the courage of their convictions by actually enacting the changes now?

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